

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 592 - SB 813

February 23, 2021

SUMMARY OF BILL: Requires a bail hearing occur within 48 hours of arrest. Requires a magistrate release a defendant on personal recognizance, unless there is clear and convincing evidence of certain conditions. Requires bail be set at the lowest amount necessary to reasonably assure a defendant's appearance.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Pursuant to Tenn. Code Ann. § 40-11-105(a), when the defendant has been arrested or held to answer for any bailable offense, the defendant is entitled to be admitted to bail by the committing magistrate, by any judge of the circuit or criminal court, or by the clerk of any circuit or criminal court.
- This legislation will not result in more arrests, but may expedite the hearing process.
- Requiring a bail hearing occur within 48 hours of arrest may strain the court clerks of some jurisdictions, but it is expected that the accelerated workload can be accommodated with existing personnel and resources.
- Pursuant to Tenn. Code Ann. § 40-11-115, any person charged with a bailable offense may, before a magistrate authorized to admit the person to bail, be ordered released pending trial on the person's personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the magistrate.
- Per the language of this legislation, a magistrate is required, rather than authorized, to release a defendant on personal recognizance, unless the magistrate determines by clear and convincing evidence that more restrictive conditions are necessary to reasonably assure the appearance of the person or ensure the safety of another person or the community.
- This is not anticipated to significantly impact the total executions of bonds ordered.
- Pursuant to Tenn. Code Ann. § 40-11-118(a), bail is required to be set as low as the court determines is necessary to reasonably assure the appearance of the defendant as required. Therefore, requiring bail be set at the lowest amount necessary to reasonably assure a defendant's appearance will have no significant impact on state or local government expenditures.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Bojan Savic". The signature is written in a cursive, flowing style.

Bojan Savic, Interim Executive Director

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